

Date: August 24, 2007
To: City Manager
From: Planning & Development Services Department
APPLICATION NO. DVP07-0145 **APPLICANT:** Gerry Toye
 DP07-0144
AT: 651 Richter St. **OWNER:** Leah Toye
PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT IN ORDER TO
 VARY THE REAR YARD SETBACK FROM 7.5 M TO 2.0 M.
EXISTING ZONE: RU6 – TWO DWELLING HOUSING ZONE
REPORT PREPARED BY: NELSON WIGHT

THAT Council authorize the issuance of Development Permit No. DP07-0144, for Lot 6, Section 30, Township 26 O.D.Y.D., Plan 18776 located on Richter Street, Kelowna, B.C., subject to the following

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. The landscaping be in general accordance with Schedule "C"

AND THAT Council authorize the issuance of Development Variance Permit No. DVP07-0145, for Lot 6, Section 30, Township 26 O.D.Y.D., Plan 18776 located on Richter Street, Kelowna, B.C.,

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

13.6.6(e) RU6 Development Regulations – Rear Yard Setback

Vary the rear yard setback from the required 7.5 m for a 2 or 2½ storey portion of a building, to 2.0 m proposed.

The applicant is proposing to construct a second single family dwelling on the subject property. The desired location of this second dwelling does not comply with the siting regulations of the RU6 zone, and therefore, the applicant is seeking a relaxation to the rear yard setback from 7.5 m to 2.0 m.

On the August 3rd, 2007 Advisory Planning Commission meeting, the following recommendations were passed:

THAT the Advisory Planning Commission supports Development Variance Permit Application No DVP07-0145, for 651 Richter Street, Lot 6, Plan 18776, Sec 25, Twp. 25; Secs. 30 & 31, Twp. 26, ODYD, by G. Toye to obtain a Development Variance

Permit to allow a relaxation to the required rear yard setback from 7.5 m to 2.0 m. AND THAT the Advisory Planning Commission support Development Variance Permit

4.0 BYLAW COMPLIANCE

The proposed development meets the requirements of the RU6 – Two Dwelling Housing zone, as follows. The one conflict with the Zoning Bylaw regulations for this zone is detailed immediately following the table:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS (FOR TWO PRINCIPAL DWELLINGS)
Subdivision Regulations		
Lot Area	954 m ²	800 m ²
Lot Width	21.34 m	20.0 m
Lot Depth	44.7 m	30.0 m
Development Regulations		
Site Coverage (buildings)	32%	40%
Site Coverage (buildings/parking)	32%	50%
Height (existing house)	1 ½ storey	2 ½ storeys / 9.5 m
Height (proposed house)	2-storey	2 ½ storeys / 9.5 m
Front Yard	7.0 m	4.5 m or 6.0 m to a garage
Side Yard (flanking street)	4.5 m	4.5 m
Side Yard (east)	2.36 m	2.0 m (1 - 1 ½ storey) 2.3 m (2 storey)
Rear Yard	2.0 m ^A	6.0 m (1 – 1 ½ storey) 7.5 m (2-storey)
Separation Distance Between Houses	4.5 m	4.5 m
Other Requirements		
Parking Stalls (#)	4 spaces	4 spaces
Private Open Space	meets requirements	30 m ² of private open space per dwelling

^A The applicant is requesting a variance to allow a rear yard setback of 2.0 m, where 6.5 m is required for the 1st storey, and 7.5 m for the second storey.

4.1 **Site Context**

The subject property is located on the southeast side of the intersecting of Trench Place and Richter Street.

North-	P3 – Parks and Open Space
East	RU6 – Two Dwelling Housing Zone
South	RU6 – Two Dwelling Housing Zone
West	RU6 – Two Dwelling Housing Zone

4.2 **Existing Development Potential**

The purpose is to provide a zone for development of a maximum of two single-family dwelling units per lot.

5.0 **TECHNICAL COMMENTS**

5.1 **Fire Department**

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Note; Fire Department access is never from a back or side lane, it is always from the main street. Fire fighter access from the front or street side of the property to the back building(s) is not to be impeded at anytime. The address for both residences are to be visible from the street. If a fence is ever constructed between the dwellings a six foot wide gate is required. Any gate is to open with out special knowledge.

5.2 **Inspection Services**

No comments.

5.3 **Works and Utilities**

(See attached report from the Works and Utilities Department, dated August 7, 2007)

6.0 **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS**


The existing RU6 zoning allows the applicant to develop two principal dwelling units on the subject property, given that it meets the required area and lot width provisions for such development. However, rather than construct those dwellings in an attached manner (i.e. duplex or semi-detached), the applicant prefers to develop two single-detached dwellings. It should be noted that this is the maximum number of dwelling units permitted on this lot, and there can be no "secondary suite" in either the existing house or proposed second house.

Staff favours this form of development, as opposed to a semi-detached model, for the following reasons:

- (a) it better maintains the existing rhythm of housing along Richter Street,
- (b) it breaks up the building mass that would otherwise exist on this lot, were this dwelling unit attached to the existing house,
- (c) it allows for an alternate architectural expression from the existing dwelling, and

(d) provides a more functional division of open space on the lot for both the occupant of the existing and the proposed dwelling units.

Staff has supported similar proposals in the past, particularly for corner lot development. Consequently, Staff recommends that this application be approved, allowing a reduction in the required rear yard setback next to the lane from 7.5 m to 2.0 m.

for 

Shelley Gambacort
Current Planning Supervisor
NW//nw

for 
Approved for inclusion 
David Shipclark
Acting Director of Planning & Development Services

ATTACHMENTS

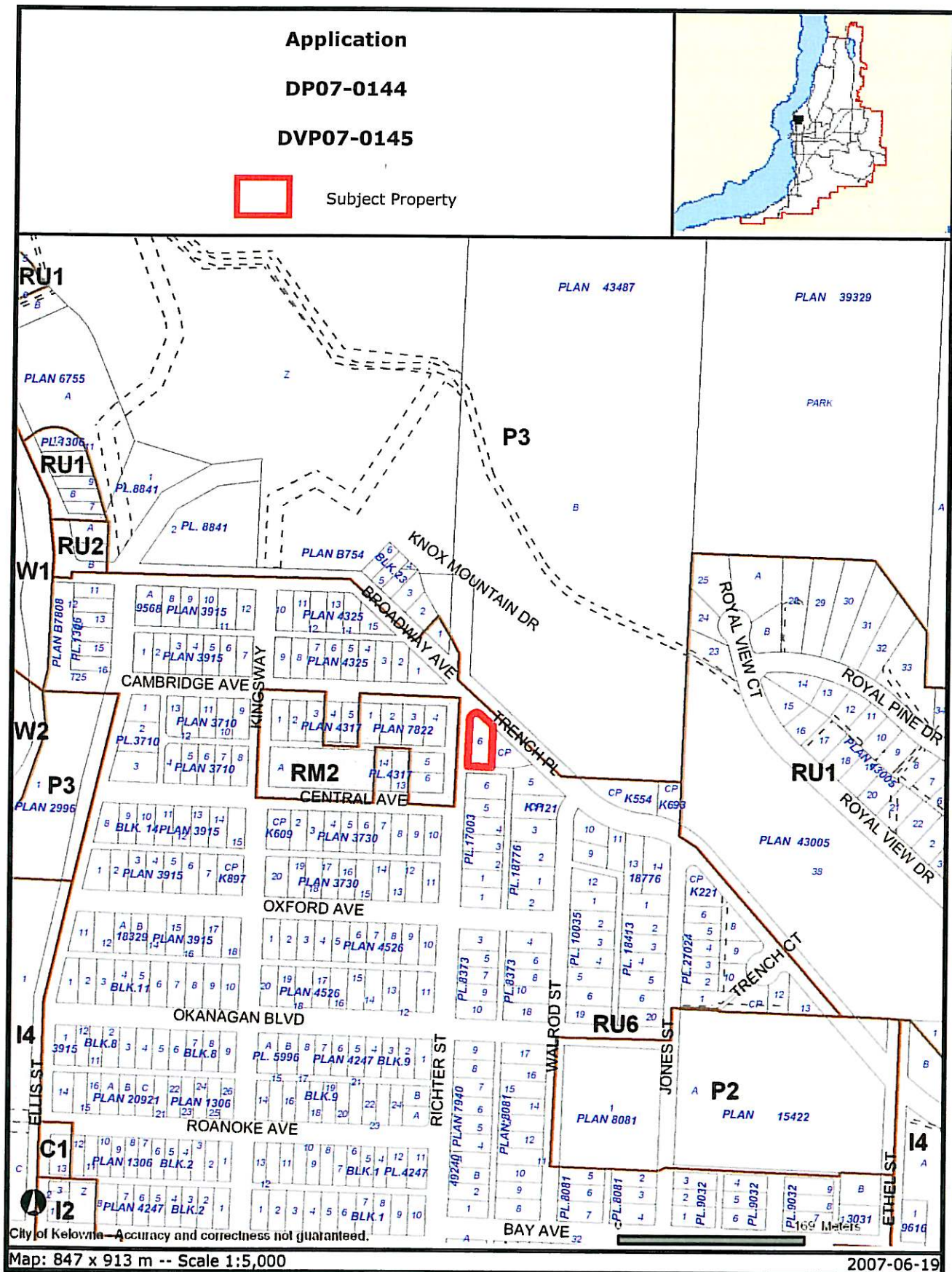
Location of subject property

Site Plan

Elevations (2 pages)

Floor Plans (2 pages)

Works and Utilities Department Report, dated August 7, 2007



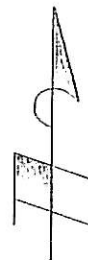
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

RICHTER STREET

ARC 13.957

TRENCH PLACE

14.899



42.354

EXISTING

CARPORT

PROPERTY
LINE

37.241

4.5

LEGAL
DESCRIPTION

LOT 6
PLAN 18776
O.D.Y.D.

4.5

PROPOSED
HOME

2.36

FOUNDATION
LINE

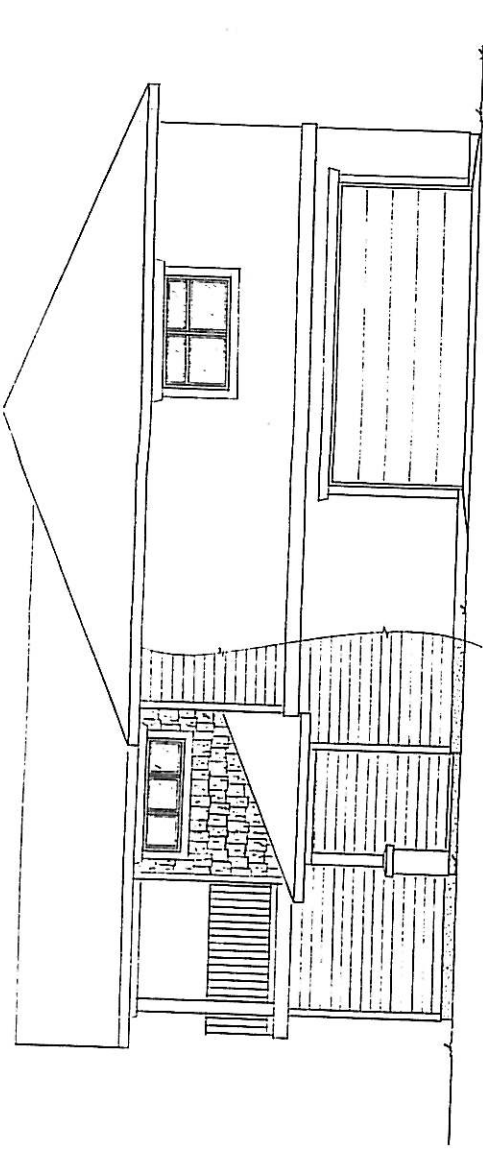
21.336

LANE

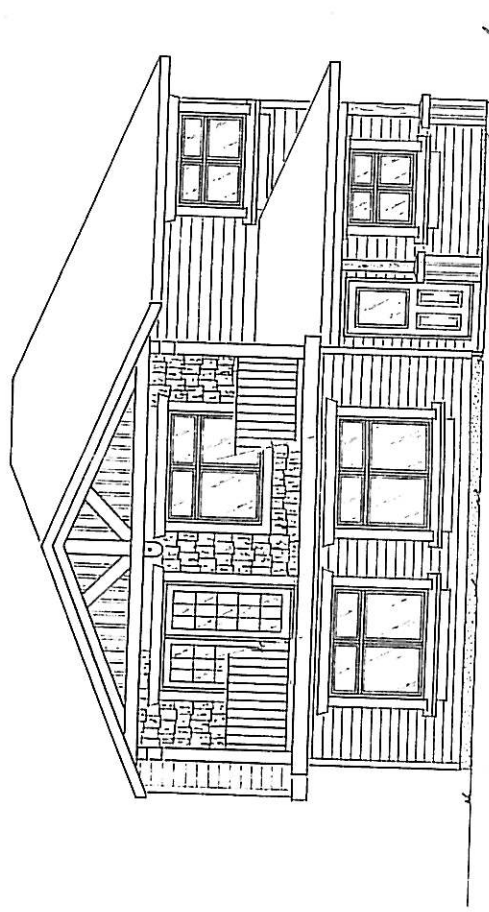
*Proposed to any the required
rear yard setback from
6.0m/7.5m to 2.0m*

PLOT PLAN

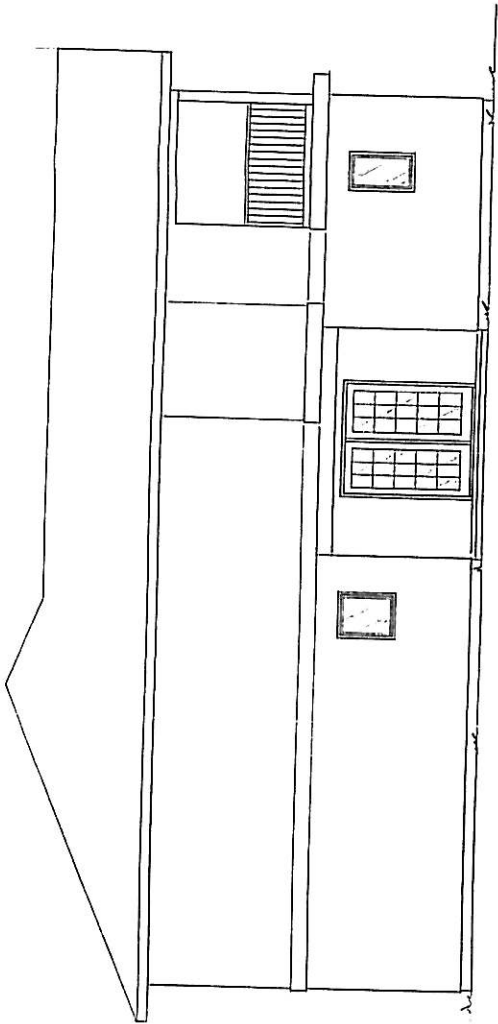
SCALE = 1:200 (METRIC)



RIGHT ELEVATION

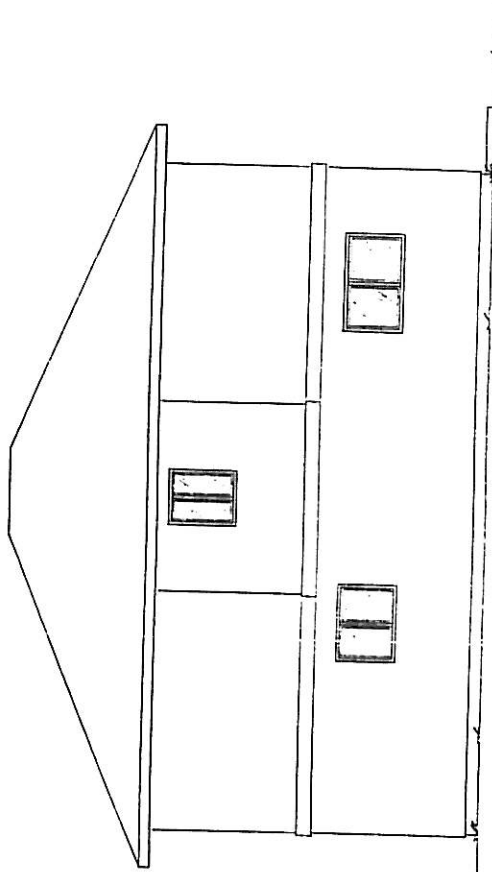


FRONT ELEVATION

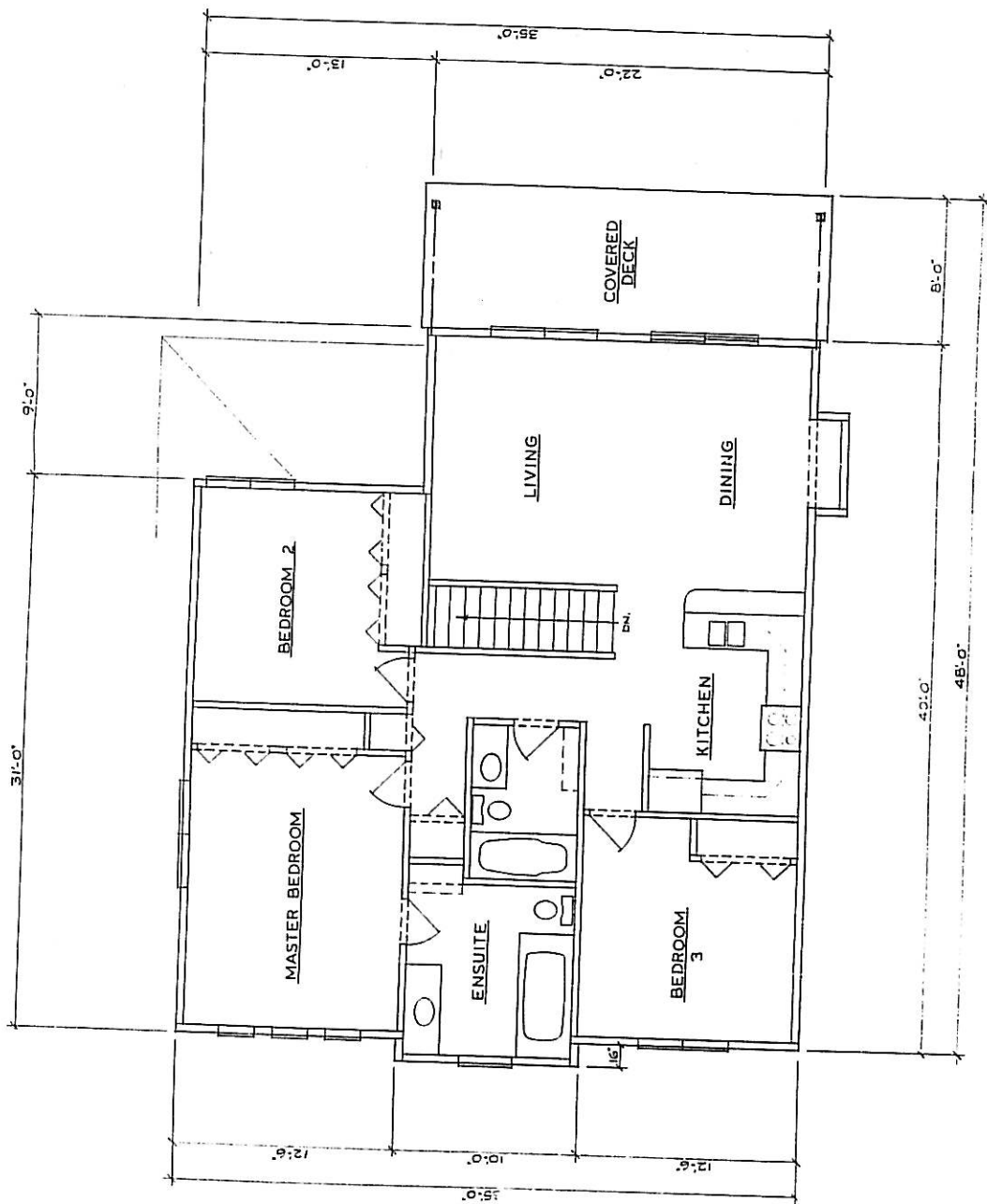


LEFT ELEVATION

SCALE: 1/4" = 1'-0"

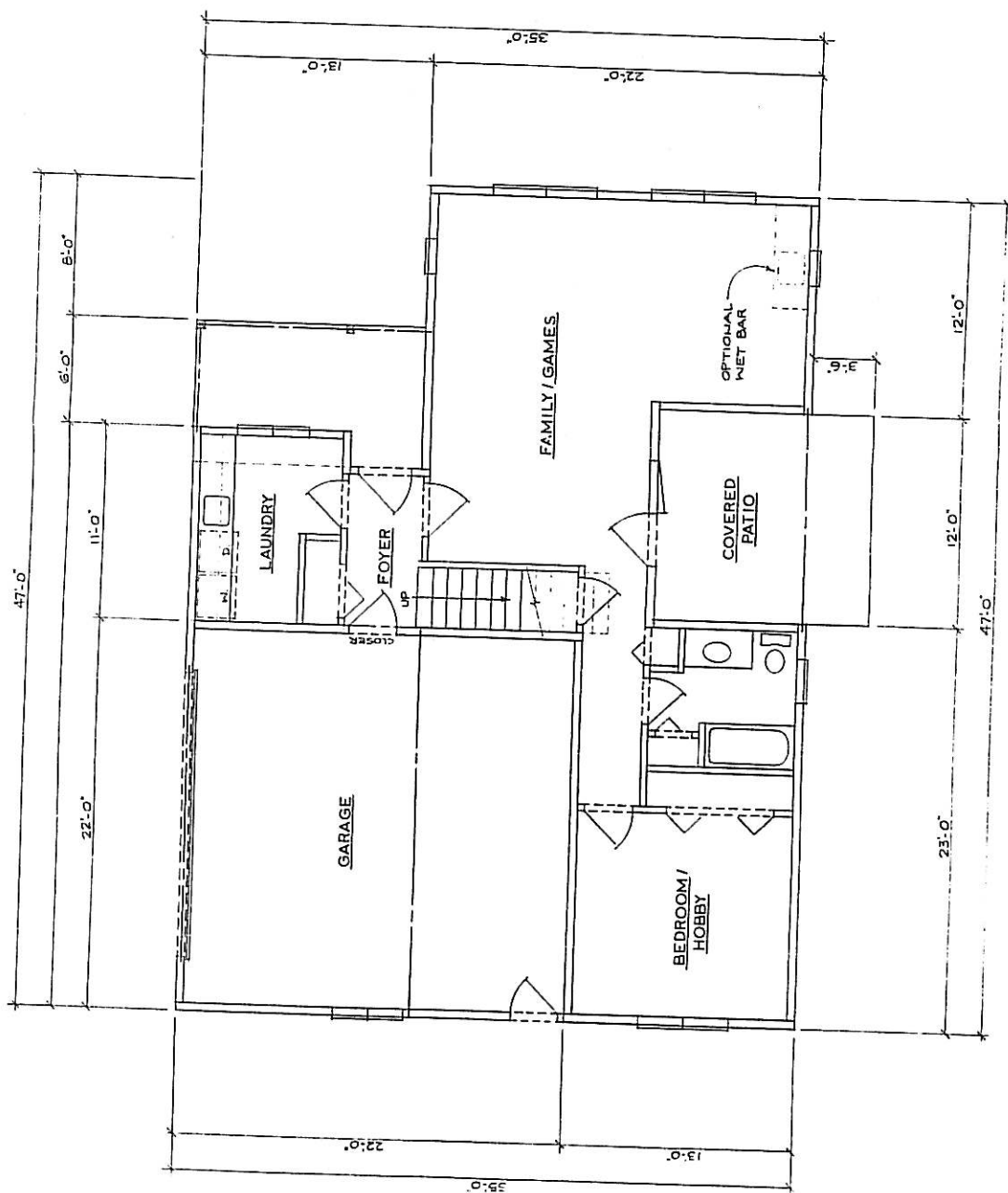


REAR ELEVATION



UPPER FLOOR PLAN

SCALE : 1/4" = 1'-0" 1307 SQ.FT.



LOWER FLOOR / FOUNDATION PLAN

709 SQ FT

SCALE : 1/4" = 1'-0"

CITY OF KELOWNA

MEMORANDUM

Date: August 7, 2007
File No.: DP07-0144 DVP07-0145

To: Planning & Development Services Department (NW)

From: Development Engineering Manager

Subject: 651 Richter Street Lot 6 Plan 18776 Two dwelling units RU-6

The Works & Utilities Department have the following requirements associated with this Development Permit application.

1. Domestic Water and Fire Protection

The existing lot is serviced with a small diameter (13-mm) water service, which is substandard. **Disconnect and provide a new water service** to meet current by-law requirements. **Provide an additional 19mm copper water service** to the property. Service upgrades can be provided by the City at the owner's cost.

2. Sanitary Sewer

Our records indicate that this property is serviced from the rear lane with a 100mm-diameter sanitary sewer service which is substandard (0.4m in depth at the main). Decommission the existing service and provide a new service connection, complete with an I.C. from the manhole on Richter Street. Service upgrades can be provided by the City at the owner's cost.

3. Development Permit and Site Related Issues

The proposed driveway access location is acceptable as shown.
Direct the roof drains into on-site rock pits.
The requested variance to reduce the rear yard setback from the required 6.0m to 2.0m proposed, does not compromise Works and Utilities servicing requirements.
When separate meters are required, it is recommended that the meters, and remote readers, be attached to their own dwelling units

4. Electric Power and Telecommunication Services

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.